

FISCAL NOTE

HB 1687 - SB 1790

May 6, 2003

SUMMARY OF BILL:

- Prohibits a municipally or cooperatively owned utility from charging in excess of the payment provided for in federal law to a telephone or telegraph corporation or cable television provider to attach their lines to poles owned by the utility.
- Prohibits municipally or cooperatively owned utilities from requesting or receiving in-kind payment from telephone or telegraph corporations in exchange for granting permission for pole attachments.
- Provides that municipally or cooperatively owned utilities must provide access to their poles and conduit located in public rights of way to any telephone or telegraph corporation or cable service provider who requests an agreement unless the requested access is not technically feasible.
- Provides that a requestor who is denied can bring suit in chancery or district court.
- Specifies that the cost of providing usable space on poles shall be apportioned among all entities according to the percentage of usable space for each.
- Requires that the costs of relocation of existing users shall be borne by the entity necessitating the relocation.

ESTIMATED FISCAL IMPACT:

Decrease Local Govt. Revenues - Exceeds \$4,000,000

Estimate assumes:

- municipal utilities currently receive approximately \$8,000,000 annually from pole attachment fees paid by cable TV providers.
- municipal utilities currently receive approximately \$13,000,000 annually from pole attachment fees paid by telegraph or telephone corporations.
- setting pole attachment fees in accordance with federal guidelines is estimated to result in a minimum average reduction in excess of 20% in the amount of fees currently collected by municipal utilities.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director